

**SUPERIOR TOWN COUNCIL**  
**Special Meeting Minutes– April 30, 2015**  
**7:00 PM**

**PURSUANT to A.R.S. Section 38-431.02, notice is hereby given to the Superior Town Council and to the general public, that a Special Meeting of the Superior Town Council was held on Thursday, April 30, 2015, at 7:00 p.m. in the Superior Town Hall Auditorium, 199 N. Lobb Avenue, Superior, Pinal County, Arizona.**

**CALL TO THE PUBLIC**

Mayor Valenzuela called meeting to order at 7:00 p.m.

**ROLL CALL**

Mayor	Jayme Valenzuela
Councilmember	Gilbert Aguilar
Councilmember	Mila Besich-Lira
Councilmember	Stephen Estatico

**Absent:**

Vice Mayor	Olga Lopez
Councilmember	Michael Alonzo
Councilmember	John Tameron

**PLEDGE OF ALLEGIANCE**

Mayor Valenzuela led Council, staff and audience in the Pledge of Allegiance.

**1. Public Hearing Regarding the Annexation of Area No. 1 Case Number: 2015-020861**

**Annexation of the Town of Superior:**

Mr. Steven Cooper, Town Attorney addressed the Mayor and Councilmember's, this evening is a Public Hearing in regards to proposed Annexation Area No. 1 Case Number 2015-020861. This is a public hearing in which members of the public are free to come and speak in this public hearing. At the conclusion of the Public Hearing there will be no action taken on the matter. This is just a Public Hearing of a statutorily required. As a background in this matter the Town of Superior on April 3<sup>rd</sup>, 2015 filed an annexation petition to annex parcels located on the maps which was part of the Public Notice in this case. But for purposes of the records Mayor and Councilmember's he will read it into the record. Mr. Cooper proceeded to read

**Parcel 1**

Sections 23, 24, 25, 26, 35 and 36, Town ship 1 south, range 11 East, of the Gila and Salt River Meridian, Pinal County, Arizona.

**Parcel 2**

Sections 19, 20, 21, 28, 29, 30, 31, 32, 33 and the West Half of Sections 22, 27 and 34 Township 1 south, Range 12 East, of the Gila and Salt River Meridian, Pinal County, Arizona.

**Parcel 3**

Sections 1, 2, and 3, Township 2 south, Range 11 East, of the Gila and Salt River Meridian, Pinal County, Arizona. Except; (1) that portion of the East 2411 feet of the South half of the South half of the Southeast Quarter of Section 1, Township 2 South, Range 11 East, of the Gila and Salt River Meridian, Pinal County, Arizona.

**Parcel 4**

All that part of the west one half (1/2) of section 4 lying Northerly of the present Town limit of the Town of Superior, Arizona, all that part section 5 lying Northerly and Westerly of the Town limit of the Town

of Superior, Arizona, and section 6, Township 2 South, Range 12 East, of the Gila and Salt River Meridian, Pinal County, Arizona. And also except (2) that part of a tract of land lying South of the South right-of-way line U.S. Highway #60-70, and the Arizona State highway #789 situated in the East half of the Southeast Quarter Sections 6, Township 2 South, Range 12 East, of the Gila and Salt River Meridian shown as Assessor's Parcel Number 105-13 in the records of Pinal County Assessors, Pinal County, Arizona and being parcel number 002.

A map was attached to the agenda and the Public Notice was also posted in the Superior Sun of the Public Hearing today. That notice was published on April 15 and April 22, 2015. Mayor, Council this is what is required. Within the time frame in which the Town filed the petition which was April 3<sup>rd</sup> of this year we are required by law to have the County hold a blank petition of annexation for 30 days. That will expire 30 days after the recording on April 3, 2015, 15 days before the end of the waiting period we have to advertise in the local paper which is what we did. We had to publish a Public Notice 6 days prior to the hearing, we did. We also sent a notice to the Chairman of the Board of Supervisors and we also requested a list from the Department of Revenue a list of the assessors' roles of any individuals that own personal property and or utility property. The Town also sent a letter from the Pinal County Assessor's Office requesting they provide a list of property owners. They have 30 days to bring that response to us that 30 day period would not expire prior to this Public Hearing. The Town must hold a Public Hearing within the last 10 days of the 30 day hearing notice and that is why we are holding this hearing tonight.

Mayor, Council members this is a non action item a Public Hearing for members of the public to address the issue of the annexation. After the conclusion of the Public Hearing the Council, after taking comments will begin circulating a petition for annexation, the area of the annexation because of the map cannot be increased but it can be decreased. Once the petition begins to gather any signatures the map cannot decrease nor can it increase. So this is not the time where the Council will vote to see whether or not there will be an annexation. This hearing is basically to hear public comments. The Council has up to one year to acquire more than 50 % of the signatures of the assessed property owners and more than 50% of the property owners located in these parcels.

Councilmember Estatico, if there could be questions and answers from the Council to the concerned citizens.

Mr. Cooper stated that because this is a public hearing he does not believe it would be appropriate to respond to comments at this time. The time in which to do so would be when the petition begins to be circulated. Also any issue that has nothing to do with the annexation would not be appropriate for the Public Hearing.

Mayor Valenzuela asked members of Council if there were any comments or questions.

Mayor Valenzuela opened the Public Hearing to the public for questions or comments pertaining only towards the Annexation.

*Nancy Vogler*-First of all she wishes she would have had a little more information from Mr. Cooper. She does not understand why the Town needs to take this huge part of land it is all Forest Service Land. The only thing she can think of perhaps, is the Town trying to influence where the tailings might go from Resolution Copper Mine and maybe that is what is in the Council's head and try to stop it. If this is true maybe you should let the public know so we can have a little bit more information. She feels the Town does not do a very good job of cleaning up the streets and if you go and get 5-10 times more land she just doesn't know how the Town will be able to keep all of this clean. She doesn't feel the Town is doing a very good job cleaning up the desert as it is how will you be able to keep up with a bigger area. Will the Town be able to pay insurance for the liability for that much more land. If you are looking for the sales tax then just do Hwy 60 and section 1, 6 and 5 and that should be enough.

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*Gene Berry*-He feels this is so wrong, to try to take these people and put them into the city. We live out there for several reasons and we do not want to be annexed. We have lived out there for years, and it is wrong. What are you going to do about the hunting and the shooting that is a real big sports area? He knows Superior is hurting for money, the Town can't even afford to pay dispatchers you have to have Pinal County do you're dispatching of your officers. He knows the Town is hurting for money but this is the wrong way to go.

*Mr. Martin*-He wants to know what are you going to do for us since you want to annex us. We don't see where the Town will do anything of us that live out there. We do not want to be part of Superior we are happy the way we are. You have nothing to offer us.

*Edith Berry*-We live on Hewitt Station for a reason, we like the Town but we do not want to be part of it. There is nothing you can do for us and we do not want anything from you. We just want to be left alone, the Town tried this once before and you failed. You will fail this time again.

*Daniele Schepers*-They just recently moved out here about a year and a half ago and they love it out there. We wanted to live in a rural area, we enjoy hunting and four wheeling and we enjoy the environment and we are definitely against this, this will change the way we want to live. We are also concerned about the city's ability to maintain the roads if we are annexed.

*Sue Anderson*-She also has some concerns about this annexation. Besides the fact that the tailings from Resolution Copper will be going out there, and the sales tax from highway 60 she would like to know why? We have 12,016 acres in this Town, and we are trying to annex 14,000 acres more, why? Does anyone realize how we will be managing this problem? We can't even maintain the pot holes in the Town how are we going to maintain all of those dirt roads. There has to be another way to achieve what we want to do. She would like to know when was all of this decided, she rarely misses council meetings and does not recall this being talked about.

*Second Comments*, She wants to say they love Superior, they moved here because they love the scenery and they wouldn't have moved here if they didn't love it. But please leave the people from the county please leave them alone. Let them have what they want so we can have what we want.

*Pam Rabago*-That is the question everyone is asking, why? Is it taxes, the issue about control of Hewitt Station Road, that was never brought up? If you are looking for money it is going to cost the Town more to maintain the roads and provide police service out there. What she can remember from the second annexation meeting was that you guys were supposed to go out there and talk to the residents that live out there before proceeding any further. Why are we spending all of this money, you guys were going to look into the lay of the land before you proceeded.

*Second Comments*, She stated if we want to grow the Town we need to go where it is going to grow, towards the valley. Go all along US 60 and not go north like you are planning. That doesn't make any sense. There is no private land to promote businesses and jobs, Superstition Vista is not there it is further down. Go towards Florence Junction if this is really what you are looking for.

*Mr. Matthews*, I have been out here for 30 years without any of your help. If we call somebody it takes them forever to get there. We called for fire it took them 30 minutes to get there and put the fire out. He doesn't believe there is not one person of his neighbors that wants to live in the Town of Superior.

*Dave Richens*- Thank you for the opportunity to make a statement on behalf of Resolution Copper on the proposed annexation as filed with Pinal County on April 3<sup>rd</sup>, 2015 by the Town of Superior.

Resolution Copper has a vested interest in the proposed annexation, and wishes to share its perspective with the Council, the residents of Superior, and those private property owners who are in the annexation pathway. Over time, in part due to the development of the Resolution Copper Mine, the Town of Superior will grow. Resolution Copper would be pleased to invest and participate in such a study in partnership with all stakeholders. As of now, however, such a plan does not exist, and Resolution Copper has serious reservations and questions regarding the proposed annexation and how it supports sustainable development of the Town of Superior. Resolution Copper has three primary concerns. First, the Town of Superior has previously communicated with Resolution Copper regarding the potential revenue that annexation may achieve due to the forthcoming development of US 60 by ADOT. However, the current annexation effort is not limited to the US 60 Highway corridor, and there have been no formal or public communications from the Town of Superior describing how it selected lands for annexation, and how such annexation is in the best interest of both the Town of Superior and the private landowners in the annexation pathway.

The historic Magma Arizona Railroad Company line, which recently celebrated its 100<sup>th</sup> anniversary, runs through annexation Parcels 3 and 4. The future location of Resolution Copper's tailings impoundment is in Parcels 1 and 2. The Town of Superior has not engaged with Resolution Copper to discuss how the Town believes that annexation will impact Resolution's operations.

Third, the Town of Superior must have a plan to provide services to the proposed annexation area. If the Town has not planned for serviced dilution, it raises concerns about the Town's ability to deliver services to both existing and potential new residents.

In conclusion, a well-reasoned annexation attempt is a process that requires a clear purpose and plan. Absent such purpose and plan, it is difficult for Resolution Copper to identify the benefits of the current annexation proposal, and as a result we cannot support the annexation petition as filed with the Pinal County Clerk and Recorder.

*Charles Trimble-* He is most disappointed that they will not be allowed to ask questions. His intention was to get some answers but since we cannot ask questions and his question was, why? His taxes will go up and they gain nothing. Unless someone can show me something else he is definitely opposed to it.

*Freddie Miramon-* He wants to believe this 1<sup>st</sup> step strategy of Annexation will fit our small community and our surrounding neighbors outside our city limits. It's not that the Town is too quick to annex, this idea has been kicked around for a while not only by Superior but also by other municipalities. There are pro's and con's about annexation. The expansion of HWY 60 by ADOT will boost the tax base. He wants to believe that the vision of the Town to grow compactly and densely to conserve land. Council, continue within our community and neighbors a comprehensive package of strategies and tools to achieve success. He does not want to see Superior swallowed whole by another municipality. It must be the Town of Superiors intent to have something to say about developing our own area rather than being told by another municipality what to do. He leaves the Council with this thought. Small towns with the most dramatic outcomes tend to be pro-active and future oriented, they embrace change and assume risk. These are characteristics of leaders as much as they are of the community. Continue to think in present and in future tense at the same time.

*Hank Gutierrez-* There are a lot of questions as to who and the why. He feels they need to ask the Town Manager and the Town Attorney the question, why? This was the Annexation Committee that came up with the areas for annexation. The highway construction tax is a onetime shot it will be minimal then what. You're going to generate revenue from the land owners. You are looking for a legal battle. One of the talks with the Annexation Committee was they were to meet and discuss this with the land owners.

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This never happened that is a failure, a failure by the Manager the Town. This will also put the property line adjacent to a proposed tailing site. Leave that site alone; leave it to the Forest Department. Why would we want to have the tailing site within our Town limits? The sad thing about this is this is a waste of time a waste of resources. We should be working on our budget and getting ready for that it is that time again. Revenue is the key here and we all know that we are working without the \$400,000 a year because we no longer have that relationship with our neighbor's right up here. This body and the Manager and the Attorney refused to do that. He asks the Town Manager and the Town Attorney to speak now and let us know who the Annexation Committee is. *Second Comment*, He disagrees with Mr. Munoz, You talk about San Manuel and Kearny those were company Towns. That is what makes us different from those Towns. Those Towns were owned by the mine and thank god we were not like that. Superior is like the jewel of the Copper Corridor. You cannot compare Peoria and cities like that. They have 60 million people. That is not a good comparison, if you want to annex, annex south there is nothing out there.

*Greg Figdore*- His basic question is why do you want a future parcel that is going to be a future dump? He is the process of buying 2 homes here. This is going to be a big problem and 100 years down the road when the copper is all gone this stuff will still all be there. Why not let the feds handle this it is going to be there forever. It does not make sense why take on this liability.

*Tiffany Rowell*- She thinks that it is because the lack of transparency that they are getting this response. You might want to look at projects like this and how it is going to affect people's way of life.

You might be surprise to see that there are a lot of people that would like to share their ideas some might come up with some real good plan. Sometimes instead of going to executive session it would be nice to hear some of your ideas and share with the public so we are aware of what is going on. She wonders if the reason you want to annex the dump is so that it doesn't go there so you can hold the company hostage then I don't think it is a good idea.

*Henry Munoz*- First of all to Mr. Gutierrez, he is one of the members of the Annexation Committee. His reason for being on this Committee is to better this town. This is nothing new; 25 years ago he was a member of the council and a miner for 23 years both places he was laid off. This has nothing to do with the mine. He wishes the mine well and to move forward and I wish it well and success. They established the Fire District which provided Ambulance service to those retired miners who needed transport to hospitals. The Town was able to acquire the land where the Industrial Park is now. That was to have a tax base which some of the land has been developed. The reason for the annexation first of all was to generate business from the land and generate a tax base. There were a lot of things that were done back then. These are some of the success stories. When the mine shut down there was nobody to help us out the mine just abandoned the Town. Annexation can be good for a small town. Look at Peoria they just annexed Lake Pleasant. Now they have two major baseball teams in their tax base. Florence is looking to annex another six square miles. Apache Junction possibly going after Lost Dutchman Park and they are looking to go east. There are projections for development with the Superstition Vistas of 1.4 million. Pinal County in the year 2000 projection was 179,000 people and in 2008 it has grown to 299,000. He hears what the people from Hewitt Station property owners are talking about the peaceful and serenity that you have out there. But we here in Superior we have to plan for the future we have to be able to control what happens around us because if we don't Pinal County could put a nuclear waste dump and we have no say. We have to make this Town grow.

Mayor Valenzuela asked if there was anyone else that would like to speak. At this time Mayor closed the Public Hearing.

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Councilmember Besich-Lira wanted to just thank everyone for coming out this is one of the great things about this process. This is how we can hear exactly what you want and thank you for letting us know how you all feel when there are decisions to make we need to have the entire community let us know how and what they feel because this could affect where you live.

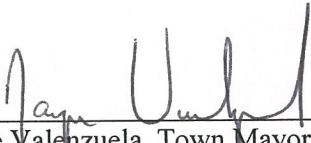
Mayor Valenzuela also wants to thank everyone for coming out is always good to see people come and voice their opinion. We do value everyone's opinion and in the end we need to do what is best for the Town of Superior. We have to worry about the Town itself and moving forward into the future. It will not be one person deciding it will be this whole body making the decisions.

Motion to move into Executive Session made by Councilmember Besich-Lira, second by Councilmember Aguilar motion carries.


Motion to return back into regular meeting from Executive Session at 8:47 p.m. made by Councilmember Besich-Lira, second by Councilmember Estatico, motion carries

Mayor Valenzuela gave direction to staff, Margaret Gaston and Steven Cooper to proceed as directed and discussed in Executive Session.

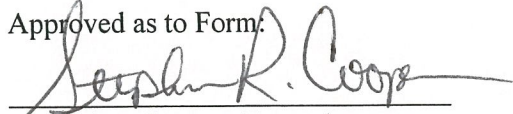
Motion to adjourn Special Meeting at 8:48 p.m. was made by Councilmember Besich-Lira, second by Councilmember Aguilar, motion carries.

  
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Jayme Valenzuela, Town Mayor

Attest:

  
\_\_\_\_\_  
Margaret Gaston, Town Manager

Approved as to Form:

  
\_\_\_\_\_  
Stephen Cooper, Town Attorney